

Tuesday, September 20, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.**

**Consent Agenda – Review and Approval:**

**1-16.** This is the time set for consideration of the Consent Agenda.

**Chairperson Compton:** opens the floor to public comment.

**Supervisor Gibson:** states he will need to recuse on Item No. 7, Bargaining Unit No. 07 - Operations and Staff and requests it be pulled for separate action.

The action taken for Consent Agenda items 1 through 6 and 8 through 16 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Items: Set for Hearing:**

**1.** Introduction of an Ordinance establishing rules and regulations for use of the Los Osos wastewater collection system in Los Osos. Hearing date set for October 18, 2016. District 2.

**Ms. Linde Owen and Dr. C. Hite:** speak.

**Mr. Wade Horton – Department of Public Works and Mr. Dan Buckshi – County Administrative Officer:** speak.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Administrative Office Items:**

**2.** Request to approve Amendment No. 3 to the Agreement for Services with Mental Marketing Inc. and TJA Advertising in the total amount of \$794,000 to provide marketing services on behalf of the San Luis Obispo County Tourism Business Improvement District (CBID) for FY 2016-17. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**3.** Request to approve the FY 2016-17 Fish and Game project listing as recommended by the Fish and Game Fines Committee. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Airports Items:**

4. Submittal of a resolution commending Phil D'Acri for his distinction of achieving Accredited Airport Executive (A.A.E.) status from the American Association of Airport Executives. All Districts

**Mr. Kevin Bumen – Airports Director:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-233, adopted.**

**Consent Agenda - Board of Supervisors Items:**

5. Request to approve an agreement with the San Luis Obispo Community Leadership Foundation allocating \$9,000 from District Community Project Funds - Fund Center #106 to be used to provide affordable tuition and scholarships for those who wish to participate in Leadership SLO. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Health Agency Items:**

6. Request for approval to apply for a Dental Transformation Initiative grant from the California Department of Health Care Services for a four-year period (calendar years 2017-2020) in the estimated total amount of \$2.2 million for children's dental access and treatment. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda – Human Resources Items:**

7. Submittal of a resolution for unrepresented employees in Bargaining Units 07 - Operations and Staff, 08 - General Management, 09 - Appointed Department Heads, 10 - Elected Department Heads, 11 - Confidential, and 16 - General Management Law Enforcement, approving compensation increases for Fiscal Years 2016-17 and 2017-18. All Districts.

**This item is pulled from the Consent Agenda for separate action.**

**Consent Agenda - Planning & Building Items:**

8. Request to approve three contracts with California Code Check, Bureau Veritas North America, and TRB & Associates in cumulative amount not to exceed \$331,459 to provide plan review services and ratify a contract extension with California Code Check through August 31, 2016. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

9. Request to recommend Bill Robeson and Kevin Bumen for appointment by the San Luis Obispo County Airport Land Use Commission (ALUC) to represent the County on the Airport Advisory Collaborative (AAC), an advisory committee to the ALUC. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

10. Request to approve a new FY 2016-17 services agreement with Host Compliance, LLC in the amount of \$71,910 to provide services to better regulate short-term rentals (vacation rentals) in the unincorporated areas of the county and approve a related budget adjustment of \$71,910 from General Fund contingencies to Fund Center 142 - Planning and Building, by 4/5 vote. All Districts.

**This item is amended, per the addendum to the agenda, by replacing the agreement with one that includes the necessary signatures from County Counsel and Host Compliance, LLC. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

11. Request to adopt a revised Memorandum of Agreement between the City of San Luis Obispo and the County of San Luis Obispo regarding the Sphere of Influence. All Districts.

**Ms. Megan Martin – Planning and Building:** replaces the Memorandum of Agreement with one that includes the signatures from County Counsel and the City of San Luis Obispo.

**This item is amended, per the addendum to the agenda and by Staff, to replace Attachment 3 with the correct document titled “Draft Memorandum of Agreement between the City of San Luis Obispo and the County of San Luis Obispo regarding the City’s Sphere of Influence” and replace the Memorandum of Agreement with one that includes the necessary signatures from County Counsel and the City of San Luis Obispo. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

**Consent Agenda - Probation Items:**

12. Request to approve a FY 2016-17 contract with Goodwill Central Coast in the amount of \$32,000 to provide employment education and related services to adult probationers. All Districts.

**Ms. Rosana Ortiz – Chief Deputy Probation Department:** states the funding sources listed on the agenda transmittal were inadvertently transposed; the General Fund amount should read \$24,000 and the Senate Bill (SB) 678 funding amount should read \$8,000.

**This item is amended by correcting the funding sources listed on the agenda transmittal were inadvertently transposed; the General Fund amount should read \$24,000 and the SB678 funding amount should read \$8,000. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

**Consent Agenda - Public Works Items:**

13. Request to 1) approve the project and adopt plans and specifications for the construction of the Pedestrian Bridge Construction and Channel Grading Plans for the Meadow Creek Diversion Channel; and 2) find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA) near Pismo Beach. District 3.

**The Board approves as recommended by the County Administrative Officer.**

14. Request to approve Amendment No. 4 to Solid Waste Collection Franchise Agreements with South County Sanitary Service Inc., San Luis Garbage Company, and Mission Country Disposal for unincorporated areas and Amendment No. 1 to Solid Waste Collection Franchise Agreement with Waste Connections US, Inc. and Mission Country Disposal for areas within the Los Osos Community Services District. All Districts.

**Ms. Wendy Hall – Department of Public Works:** amends the recommendation to read as follows: “It is recommended that the Board approve and execute the following Amendments to the Solid Waste Collection Franchise Agreements effective on the effective date of Ordinance No. 3330.”

**This item is amended by replacing the recommended action to read as follows: “It is recommended that the Board approve and execute the following Amendments to the Solid Waste Collection Franchise Agreements effective on the effective date of Ordinance No. 3330.” Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

15. Submittal of a resolution vacating portions of Circle Lane and Circle Drive by Summary Vacation; and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), in the unincorporated community of Cayucos. District 2.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-234, adopted.**

**Consent Agenda - Public Works Sitting as Flood Control District:**

16. Submittal of a resolution designating the Director of Public Works, or designee, as the authorized representative to file an application and execute agreements for the Proposition 1 Integrated Regional Water Management Planning Grant Program. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-235, adopted.**

**Pulled from the Consent Agenda for Separate Action - Human Resources Items:**

7. Submittal of a resolution for unrepresented employees in Bargaining Units 07 - Operations and Staff, 08 - General Management, 09 - Appointed Department Heads, 10 - Elected Department Heads, 11 - Confidential, and 16 - General Management Law Enforcement, approving compensation increases for Fiscal Years 2016-17 and 2017-18. All Districts.

**Dr. C. Hite (newspaper article):** speaks.

**Supervisor Gibson:** states he will be recusing on this item for Bargaining Units 07 - Operations and Staff.

**The Board approves Fiscal Years 2016-17 and 2017-18 compensation increases for Bargaining Units 08 - General Management, 09 - Appointed Department Heads, 10 - Elected Department Heads, 11 - Confidential, and 16 - General Management Law Enforcement, except for Bargaining Unit No. 07 – Operations and Staff.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**SUPERVISOR BRUCE S. GIBSON IS NOW ABSENT.**

**The Board approves Fiscal Years 2016-17 and 2017-18 compensation increases for Bargaining Unit 07 - Operations and Staff.**

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Furthermore, the Board adopts RESOLUTION NO. 2016-236, a resolution increasing wages for employees in Bargaining Unit (BU) 07 - Operations & Staff, BU 08 - General Management, BU 09 - Appointed Department Heads, BU 10 - Elected Officials, BU 11 - Confidential Employees, and BU 16 - General Management Law Enforcement.**

**SUPERIVSOR BRUCE S. GIBSON IS NOW PRESENT.**

**Presentations:**

17. Submittal of a resolution recognizing Thomas B. Keating for 30 years of County service. All Districts.

**Ms. Tami Douglas-Schatz – Human Resources Director:** introduces the 30 year recipient Mr. Thomas

Keating from the Sheriff’s Office.

**Sheriff-Coroner Ian Parkinson and Mr. Keating:** speak.

**Chairperson Compton:** opens the floor to public comment without response.

**RESOLUTION NO. 2016-237, a resolution commending Thomas B. Keating in recognition of thirty years of service with the County of San Luis Obispo, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Public Comment Period:**

18. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Ms. Angela Tathi - Arts Obispo:** announces upcoming events held by the California Arts Council.

**Mr. Ben DiFatta:** comments on various government tax issues; and the hiring of a General Manager for the Los Osos Community Services District.

**Mr. Eric Greening:** discusses county approved projects complying with mitigations.

**Mr. Gary Kirkland:** addresses concerns regarding recent fires burning oak trees.

**Mr. Prince Frazer:** speaks to water issues in California Valley. **No action taken.**

**Board Business:**

19. An update on State Legislative activities by Paul Yoder and Karen Lange, Shaw/Yoder/Antwih, Inc. All Districts.

**Mr. Paul Yoder and Ms. Karen Lange – Shaw/Yoder/Antwih, Inc.:** provide the update on the State’s legislative activities, with Board Members responding.

**Chairperson Compton:** opens the floor to public comment.

**Mr. Eric Greening:** speaks. **No action taken.**

**Hearing:**

20. Hearing to consider adoption of the 2015-2020 Analysis of Impediments to Fair Housing Choice / Fair Housing Plan of the County of San Luis Obispo (“Fair Housing Plan”). All Districts. It is recommended that the Board continue this item to October 4, 2016.

**Mr. Ted Bench – Planning and Building:** addresses the continuance request.

**Chairperson Compton:** opens the floor to public comment without response.

**The Board continues this item to Tuesday, October 4, 2016.**

**Motion by:** Frank R. Mecham  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Closed Session Items:**

**22.** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) PG&E's 2017 General Rate Case A: 15-09-001; (4) Application Filed by PG&E for Retirement of Diablo Canyon Power Plant A: 16-08-006; (5) Bay Area/Diablo Petroleum Co. dba Golden Gate Petroleum v. San Luis Obispo County, et al.;

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (6) San Luis Obispo Government Attorney's Union (SLOGAU); (7) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (8) Deputy County Counsel's Association (DCCA); (9) Sheriffs' Management; (10) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (11) Deputy Sheriff's Association (DSA); (12) District Attorney Investigators' Association (DAIA); (13) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (14) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (15) Unrepresented Management and Confidential Employees; and (16) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

**Mr. Timothy McNulty – Assistant County Counsel:** states the Board will not be going into Closed Session. **No action taken.**

**Hearings:**

**21.** Hearing to consider an interim zoning/urgency ordinance prohibiting the cultivation of cannabis (marijuana) with certain exceptions in the unincorporated portions of San Luis Obispo County; exempt from CEQA. All Districts.

**Mr. Guy Savage – Assistant County Administrative Officer:** provides the staff presentation (powerpoint).

**Chairperson Compton:** opens the floor to public comment.

**Mr. Eric Greening and Ms. Lindi Doud:** speak.

**Sheriff-Coroner Ian Parkinson; Mr. Lee Cunningham – Assistant District Attorney; Mr. Dave Hacker – California Department of Fish and Wildlife (powerpoint); and Mr. Mark Lee – Deputy Agricultural Commissioner:** address concerns regarding the situation in California Valley and other areas of the County, with Board Members and Mr. Art Trinidad – Department of Planning and Building responding.

**Ms. Crystal Gries; Mr. Tom Gries; Mr. Neil Havlik; Mr. James Wolf; Mr. Prince Frazier; Mr. Tony Keith; Mr. Stephen Fagan; Mr. David Chipping – California Native Plant Society (powerpoint); Ms. Sandra Wood - Chronically Inclined Inc. Chief Executive Officer; Ms. Ginger Scherer; Mr. Sean**

**Donahoe; Mr. Ryder Keenum; Ms. Marie Roth; Mr. Patrick McGibney (photographs); Mr. Simon Caleb; Mr. Charles Doster; Ms. Kristin Nevedal; Mr. Jason Hoar; Ms. Susan Harvey – North County Watch; Mr. Ben Reed; Mr. Luke Luthrop; Mr. Nicolas Pitchon; Mr. Peter “Kephas” Neuhs; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); and Mr. Clay Barnett: speak.**

**Board Members:** straw vote on language amendments to the proposed urgency ordinance under Section 5 – Exemptions (boundary map by Supervisor Arnold).

**A tentative motion by Supervisor Bruce S. Gibson, to approve the ordinance as modified during the straw votes subject to review by County Counsel and staff.**

**On motion of Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, the Board unanimously agrees to continue the meeting past 5:00 P.M.**

**Mr. Savage:** reviews the changes to the urgency ordinance based on the straw votes, with Board Members, Mr. Dan Buckshi - County Administrative Officer, Mr. James Bergman – Department of Planning and Building Director, Mr. Art Trinidad – Department of Planning and Building, and Mr. Tim McNulty – Assistant County Counsel responding.

**The motion maker moves approval of the urgency ordinance as amended and outlined by staff and waives the reading of the ordinance.**

**Supervisor Hill:** states his concerns with the urgency ordinance being too restrictive; and suggests seeking out more help as staff moves forward with the permanent ordinance.

**The Board amends the interim zoning/urgency ordinance as follows: Section 5. Exemptions, A. is replaced to read “Existing Nonconforming Cultivation. Cultivation of individual marijuana plants on sites reasonably proven to have been under cultivation as of August 23, 2016, will be recognized as existing nonconforming cultivation, provided that, the marijuana cultivation area has not expanded in size since August 23, 2016, and the entire site complies fully with all County and State ordinances and statutes, and, notwithstanding any other provision of Titles 20, 22 or 23, the site has obtained and posted a street address, and all outdoor cultivation activities occur within a secure fence at least six (6) feet in height that fully encloses the cultivation area. No portion of any marijuana plant shall be visible from the outside of the fence enclosure.”; B. is replaced to read “New Indoor Cultivation. The indoor cultivation of six (6) or fewer marijuana plants (including both mature and immature plants) with a combined canopy that does not exceed one-hundred (100) square feet in size, per qualified patient at any one time, or the indoor cultivation by a primary caregiver for up five (5) qualified patients, and with a combined canopy that does not exceed five-hundred (500) square feet in size, and does not exceed six (6) marijuana plants per qualified patient, within the unincorporated area of the County, if all of the following criteria are met:”; B.1 is replaced to read “The person(s) growing the marijuana is/are a qualified patient or a primary caregiver and whose identification card(s) or physician recommendations are available for inspection on site.”; B.4 is removed and subsequent sections are re-numbered as B.4 through B.10; B.6 (previously B.7) is removed and subsequent sections are re-numbered as B.6 through B.9; B.9 (previously B.10) is amended to remove “announced or unannounced” and replace “at any time without notice.” with “upon reasonable notice.”; C. is replaced to read “New Outdoor Cultivation. The outdoor cultivation of six (6) or fewer marijuana plants (including both mature and immature plants) with a combined canopy that does not exceed one-hundred (100) square feet in size, per qualified patient at any one time, or the outdoor cultivation by a primary caregiver for up five (5) qualified patients, and with a combined canopy that does not exceed five-hundred (500) square feet in size, and does not exceed six (6) marijuana plants per qualified patient, within the unincorporated area of the County, if all of the following criteria are met:”; C.1 is replaced to read “The person(s) growing the marijuana is/are a qualified patient or a primary caregiver and whose identification card(s) or physician recommendations are available for inspection on site.”; C.2.i. is removed and subsequent sections are re-numbered as C.2.i through C.2.vi; C.2.vi.(previously C.2.vii) is removed; C.4 is removed and subsequent sections are re-numbered as C.4 through C.12; C.8 is amended to add to the beginning of the paragraph “Notwithstanding any provision of Title 22 or Title 23,”; and C.12 (previously C.13) is amended to remove “announced or unannounced” and replace “at any time without notice” with “upon reasonable notice”. A new Section 7 is added and reads “Section 7. Registration Requirement. Within sixty (60) days of adoption of this ordinance, or prior to the commencement of marijuana cultivation, any qualified patient, primary caregiver, collective or other entity cultivating marijuana within the unincorporated area of San Luis Obispo County shall register with the San**

Luis Obispo County Planning and Building Department. Registration shall be on a form provided by the Planning and Building Department and at a minimum shall require the name and mailing address of the registrant; the address and Assessor's Parcel Number of the cultivation location; size of existing cultivation, and, if asserting an Existing Nonconforming Cultivation, a statement that the registrant began cultivating medical marijuana at the location address on or before August 23, 2016. Proof of cultivation will need to be submitted at the time of registration.”; subsequent sections are re-numbered as Section 8 through Section 11; a new Section 11 is added and reads “Section 11. No Vested Right To Be Established. The Board of Supervisors declares that this urgency ordinance is enacted for the limited purposes described above and for the time period allowed by the ordinance and Government Code section 65858. The Board has directed its staff to research and prepare a permanent ordinance to regulate the cultivation of marijuana and to bring such ordinance before the Board prior to the expiration of this ordinance. No existing cultivation site or continuing cultivation site shall acquire any right to continue the cultivation of marijuana by virtue of the existing provisions of Title 22 or Title 23 or the provisions of this Ordinance.”; and the subsequent section is re-numbered as Section 12. Furthermore, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3334, an interim zoning/urgency ordinance of the County of San Luis Obispo establishing a moratorium on the cultivation of cannabis (marijuana) in unincorporated areas of the county except for certain exemptions, adopted as amended.

Motion by: Bruce S. Gibson  
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, September 20, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** September 23, 2016